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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,496

12/01/2004

Alan Dickinson

056258-5085

4937

9629

7590

11/03/2006

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EXAMINER

SHAH, MANISH S

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/516,496

Applicant(s)

DICKINSON ET AL.

Examiner

Manish S. Shah

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/1/04; 10/5/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 4, 5 & 9-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only--*, and/or, *--cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

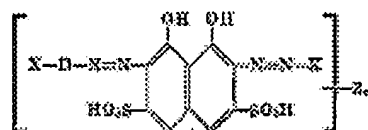
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Signon Anni et al. (# US 3445450).

Signon Anni et al. discloses a process for printing an image on a substrate including a composition a liquid medium (column: 5, line: 35-45) and a compound of formula as shown below (see Claim: 1-6). They also disclose that the composition includes from 0.2 to 12 part of compound of formula as shown below and 88 to 99.8 part of liquid composition (see Examples). They also disclose that the process of printing is done on cotton (column: 5, line: 40-45).

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1. A complex copper, cobalt or chromium diazo-dyestuff compound having in the free acid form the formula



wherein D is a benzene, chlorobenzene, dichlorobenzene, lower alkylbenzene, lower alkoxybenzene, mono-sulfobenzene, mono-sulfonaphthalene or di-sulfonaphthalene group, X is a hydroxyl or carboxyl group at an ortho-

position to the azo bridge, K is a benzene, nitrobenzene, lower alkoxybenzene, mono-sulfobenzene or di-sulfobenzene group, Z is a group

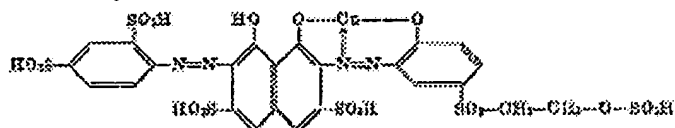


or

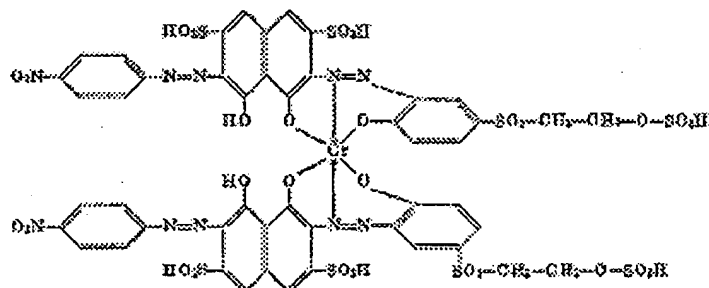


linked to either said D or K group at a position other than ortho- to the azo bridge, and n is the integer 1 or 2, the molar proportion of said diazo dyestuff to copper being 1:1, to cobalt being 1:1 or 2:1 and to chromium being 1:1 or 2:1, provided that in complex dyestuffs of said 2:1 ratio the two equivalents of said diazo dyestuff are the same.

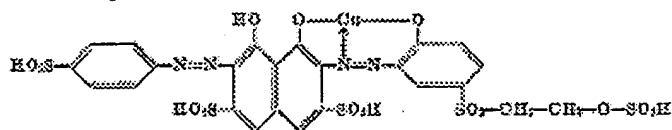
2. The dyestuff of the formula



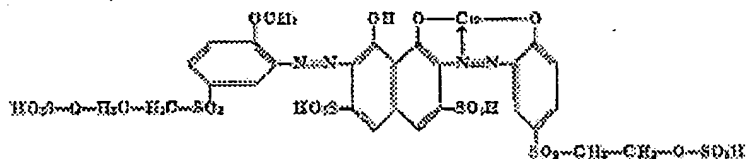
3. The dyestuff of the formula



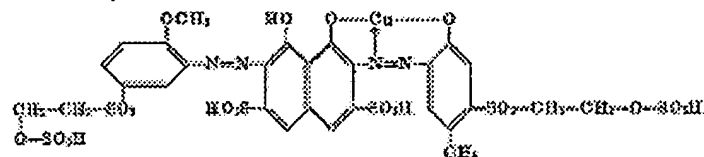
4. The dyestuff of the formula



5. The dyestuff of the formula



6. The dyestuff of the formula

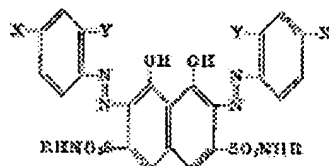


3. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hass Karel et al. (# US 3546202).

Hass Karel et al. discloses a compound of formula as shown below (see claim: 1, Examples: 1-6).

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1. As a composition of matter 2,7-bisphenylazo derivatives of chromotropic acid di-amides of the general formula:



wherein R is selected from the group consisting of hydrogen, $(CH_2)_{11}CH_3$ and C_6H_5 , X is selected from the group consisting of hydrogen, chlorine, CH_3 and NO_2 , and Y is selected from the group consisting of AsO_2H , PO_3H_2 , SO_3H and OH .

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Popat et al. (# US 7056376)

The applied reference has a common Assignee with the instant application.

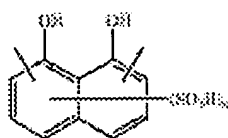
Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Popat et al. discloses a process of printing an image on substrate including a liquid medium and a compound formula T-Q-N=N-L-T, wherein T is an azo group; Q is an 1,8-dihydroxynaphthyl group; and L is a divalent organic linker group (see Abstract). They also disclose that the composition includes from 0.2 to 12 part of compound of formula as shown below and 88 to 99.8 part of liquid composition (see Examples). They

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also disclose that the process of printing is done on textile, paper or plastic (column: 1, line: 60-67). They also disclose an inkjet printer cartridge having one or more chambers (column: 1, line: 1-25). They also disclose Q in the compound has a formula as shown below (column: 3, line: 50-65).

Preferably Q is of Formula (3) or a metal complex thereof.



Formula (3)

wherein a is 1 or 2 and SO₃H is in free acid or salt form. Preferably a is 2 and the SO₃H groups shown in Formula (3) are in the 3- and 6-positions or the 3- and 5-positions.

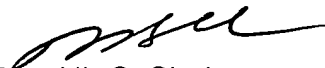
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Manish S. Shah
Primary Examiner
Art Unit 2853

MSS

10/28/06